

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

JOSEPH LOWRY,

*Plaintiff,*

vs.

CITY OF LAMARQUE, TEXAS, KEITH §  
BELL, in his individual capacity and in his §  
official capacity, KIMBERLEY YANCY, §  
in her individual capacity and in her official §  
capacity, and RANDALL ARAGON, in his §  
individual capacity and in his official §  
capacity, §

*Defendants.*

CIVIL CASE NO. 3:22-cv-00112

Jury

**DECLARATION OF KIMBERLEY YANCY**

STATE OF TEXAS  
COUNTY OF GALVESTON

KIMBERLEY YANCY, under penalty of perjury, states as follows:

1. "My name is Kimberley Yancy. I am over the age of twenty one (21) and I am fully competent to make this Declaration. I have personal knowledge of the facts stated herein and they are all true and correct. I have personal knowledge of the facts stated herein because I was elected as a City Councilwoman for the City of La Marque in June of 2021 and was re-elected in May of 2024. In my elected role, I have become familiar with the allegations that are being made in this lawsuit.
2. I have a Bachelors of Arts in Government from the University of Texas in Austin and am working on a Master's Degree at Houston Cristian University. I am a certified Texas History teacher, a licensed preacher and have served as the Texas NAACP Education Chair.



3. I became familiar with Plaintiff because of a variety of actions he has taken as a community activist. He has attempted to launch recalls of me as a City Councilwoman and Mayor Keith Bell. We are both African American. He failed to secure enough signatures for my recall and he lost the recall against Keith Bell. He also led a tax roll back election. That was successful. He has now been elected as City Council member of the City of La Marque. Mr. Lowry, in social media posts, has called me corrupt, a thug and a criminal. He also made social media posts that were fake Twitter posts from Mayor Bell, other City Council members and me. Most of the fake Twitter posts contained what appeared to be racist stereotypes. A sample of those posts are attached hereto as Exhibit A.

4. I am familiar with Mr. Lowry's allegation that city workers removed political signage for Plaintiff's preferred causes. I did not remove any signs. Further, the La Marque City Council did not pass any type of resolution or approve of a policy to remove his signs. During the elections mentioned, there were hundreds and hundreds and perhaps thousands of signs both for his positions and against his positions all throughout the City. I understand that some of those signs violated right of way set back requirements as well as a state statute regarding political signs. Any removal of signs would only have been authorized of City workers for those type of violations and the requirements would have been enforced in a content neutral fashion. City officials must use his or her own sound judgment and discretion in determining what actions to take in effecting City policies and upholding state and federal law. I am not aware of any similar incidents before or after the alleged incidents in question, where citizens complained of an official's actions regarding signs or of an alleged unconstitutional act involving a similar fact pattern.

5. I am aware of Plaintiff's allegations that his Facebook posts were removed from the City of La Marque's Facebook page. I had no involvement in the City's Facebook page administration. I have not removed Plaintiff's posts on Facebook or any other social medium. In addition, I did not ban Plaintiff from the City's Facebook page or from any other social medium. I did not instruct anyone to ban Plaintiff or remove his comments from the City's Facebook page, or any other social medium. Both before Plaintiff's Complaint in this case was filed, after it was filed and continuing on, Plaintiff posted comments on the City's Facebook page that insulted the City and seemed to focus on Mayor Bell and myself. Those posts were not removed and remain today. A sample is attached as Exhibit B to this Declaration. It is my belief that any administration of the Limited Public Forum Facebook page would be done in a content neutral fashion but I play no role in that administration.

6. I learned of a planned protest regarding Plaintiff. A permit was requested from the City for a protest to be held on January 15, 2022. However, the application for

the permit was not approved by the City. I did not participate in or help to organize the protest. I am not aware of anyone employed by the City participating in or organizing the protest, as the City denied the application. It is my understanding that due to the weather, it was poorly attended.



7. Based on my experience, training, and education, it is my belief that no actions that I have taken with regard to the Plaintiff violated clearly established law. I do not believe that any action or inaction under the circumstances surrounding the Plaintiff's allegations violated clearly established law. It is also my opinion and belief that no reasonable governmental official would believe that the actions taken under these facts and circumstances violated any clearly established law.

8. It is my belief and opinion that a reasonable governmental official could conclude that any actions that I have taken or not taken relative to Plaintiff were reasonable and not a violation of clearly established law. It is my belief and opinion that almost all governmental officials would conclude that actions in this matter were reasonable and not a violation of clearly established law. I have not observed any pattern, practice or custom by City of La Marque officials that violate citizens' Constitutional rights. I am not aware of any pattern of complaints against officials regarding similar allegations other than those made by the Plaintiff. It is my opinion that the Plaintiff's animosity toward me is, at least in part, driven by my race and gender."


I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.



Executed this 31st day of October, 2024.





  
KIMBERLEY YANCY

 Joseph Lowry  
36m 

Y'all need to keep a broke down lawnmower nearby just in case.

 2

 Like  Comment

Write a comment...    



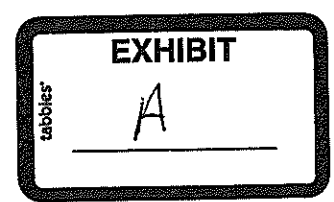
Kathleen VanStavern  
@code\_enforcer3000




Just a reminder folks, when you see us riding around looking for code violations, we're really just wasting gas. And if you stand by your broke down car, or we see you touching your lawn mower, we will not fine you for code violations.  
#onlyafterchickens

3:53 PM · Apr 26, 2022 · Twitter Web App

1.1K Retweets   116 Quote Tweets   2.3K Likes





City Of La Marque   
@CityofLaMarque



We have the highest tax rate in Galveston County, thank god it allows us to keep our city safe, oh wait, it's been that rate since 2019 and we have the highest crime rate in the county also. You idiots really believe @Keith\_Bell\_Mayor spin on the tax rate will keep the city safe.

7:37 AM · Apr 26, 2022 · Twitter Web App

6.1K Retweets 530 Quote Tweets 4.1K Likes



Joseph Lowry

3h · 

#facts



3 Shares



Like



Comment



Share

Write a comment...





**Joseph Lowry** @JoeJoeMcStuffins · Apr 25, 2022



I wonder if Elon musk would be interested in buying the liberal Galveston Daily News 😏 😏 😏



1



5



114



**Elon Musk** ✓ @elonmusk · Apr 25, 2022



I got you bro!! We'll get the City of LaMarque also! Together we'll fix the corruption.



1



74



**Joseph Lowry**

5h · 🌐



Galveston County Daily News now's your chance to sell. go woke go broke!! It's your turn GDN



7

1 Comment 11 Shares



Like



Comment



Share



**Rusty Schroeder**

Love IT !!!



Like Reply 5h

Write a comment...





Joseph Lowry  
4h · 🌐

He knows he's getting recalled!!

2 Shares

Like

Comment

Share

Write a comment...



Michael Carlson  
@Ball\_less\_pussy



I don't always speak up at council meetings unless @Keith\_Bell\_Mayor or @Kim\_Yancy\_wishiwasmayor allow me too. Sorry to my district that I don't have balls. Please recall me, I want out.

7:09 AM · Apr 26, 2022 · Twitter Web App

4.1K Retweets   468 Quote Tweets   1.6K Likes





201



...

**Casey McAuliffe**

@No\_show\_casey

The reason I don't attend council meetings is because Councilman Carlson smells like cat urine and hopelessness. Mask up only when around them.

6:17 AM · Apr 26, 2022

**32.6K** Retweets   **18.9K** Quote Tweets   **74.8K** Likes**Joseph Lowry**

4h · 🌐

...

I knew it was something fishy ...

3 Comments 1 Share



Like



Comment



Share

**Joseph Lowry****Sheryl Thornton Tillson**

Like Reply 4h



Joseph Lowry replied · 2 Replies 4h

Write a comment...







City of La Marque  
May 10



La Marque Economic Development Corporation

April 20

The La Marque Economic Development Corporation is dedicated to assisting the development of a strong, diversified economy for the City of La Marque. We promote ... See more

10

5 Comments

Like

Comment

Share

All comments



Write a comment...



Carolyn Small  
Hopeful and praying for my city

Like Reply 5w



William Patterson  
Can somebody provide a list of companies that were lobbied to relocate or establish their businesses in La Marque, due to this Corporation, that actually moved or started businesses? Preferably with date stamps, in chronological order.....

Like Reply 5w



Top fan

Mandalyn Agapita Salazar  
William Patterson, Contact the EDC directly and do a public records request.

Like Reply 5w



Reply to William Patterson...



Bill Abrams  
If you wanna provide the start up money, I'm in. Id love to have my own business.

Like Reply 5w

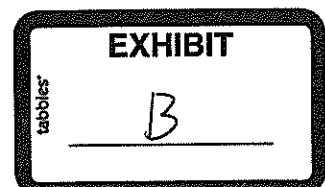


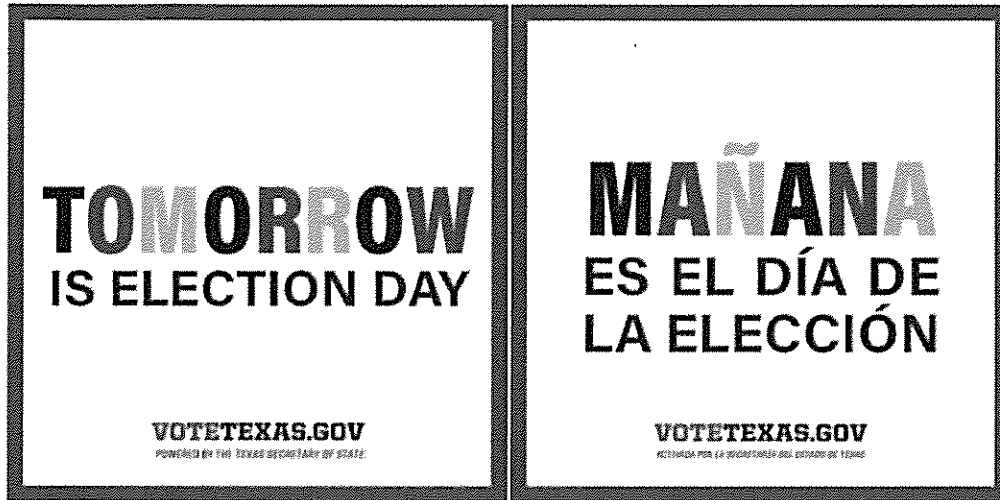
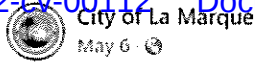
Joseph Lowry  
Highest crime and a crooked police chief mayor and councilwoman. Hard pass till the elected criminals are gone

Like Reply 5w

Write a comment...

EXHIBIT B





Office of the Texas Secretary of State

May 6

REMINDER: TOMORROW is Election Day for the May 7th Constitutional Amendment & Local Elections across Texas!

Visit [www.votetexas.gov](http://www.votetexas.gov) to learn how to find your p... See more

5

7 Comments 2 Shares

Like

Comment

Share

All comments



Write a comment...



Ray Medina

Vote to lower our taxes! 🙏🙏🙏 5

Like Reply 6w



Eva Livy

Maybe the city should mention 2 places to vote tomorrow in our city.

VOTE YES/FOR TAX ROLLBACK.

Our police Department will Not be defunded, nor grow on either way you vote.

Like Reply 6w



Tex Rob

Eva Livy , have an idea, maybe you can go on your page and mention those locations. I mean...considering you don't care that your city staff gets paid for their work. JS

Like Reply 6w



Eva Livy

Tex Rob ohhh the city gets paid , and will continue to get paid 😊

Like Reply 6w



Eva Livy

Tex Rob I'm allowed my vote as you are yours, no reason to get so uptight. 😊

Like Reply 6w



Reply to Eva Livy...



Joseph Lowry

Vote FOR/YES to lower your taxes

Like Reply 5w



Eva Livy

Here's where you can vote tomorrow 📍 1109 Bayou and 5715 Texas Avenue. 📍

Like Reply 6w

EXHIBIT A

Write a comment...

## POLITICAL SIGNS


During campaign season, the landscape blooms with a special kind of flower - the political sign. Unlike wildflowers which are welcome anywhere, putting political signs on public lands is illegal. Placing illegal signs on private land is also illegal and citations will be issued. So before you plant that sign, learn the law and keep La Marque beautiful.

City of La Marque never controls the content of any signage, but does reserve the right to remove & issue citations for illegal signs. If you have questions about what may be on a political sign, please contact the Texas Ethics Commission at (512) 461-5800.


**POLITICAL AND CAMPAIGN SIGNS**  
NON COMMERCIAL SIGNS VISIBLE


## NOTICE

Political signs must be placed where so long as they are not in the right of way or on a city-owned property without having a 14-day sign for a delivery.  
 Illegal signs will be removed, confiscated, and citations will be issued to owners.



If you believe that a sign has been placed illegally on public or private land, contact the City of La Marque.





Go to [www.lamarque.net](http://www.lamarque.net)

14 Comments 2 Shares

Like Comment Share

All comments ▼

Write a comment...

**Evo Ury**  
 JUST VOTE YES TO LOWER TAXES! Seriously it's that simple. The city cannot, and will not defund our police! NEXT AGENDA  
 Like Reply

**Ray Medina**  
 Vote to lower our taxes!  
 I'll take a sign and place on my property proudly!  
 Like Reply

**Joseph Lowry**  
 Ray Medina smart man! Great job standing up to these tyrant's tool!  
 Like Reply

**Ray Medina**  
 Joseph Lowry we need more!  
 Like Reply

**Mandalyn Agapita Salazar**  
 Ray Medina, where is your proposed budget for roll back of 55 to 47?  
 Like Reply  
 10 Replies

...

veruno the police, it's funny we are can't see anything on unloading the police Department but comes up with this law that clearly defunds the police Department.  
 Like Reply  
 9 Replies

**Jacqueline Perini**  
 Ray Medina you told me that your house payment went up \$200 but how much of that is actually going to the city, if you look clearly going to the school and county.  
 Like Reply

**Reply to Ray Medina**

**Joseph Lowry**  
 Nobody pay attention to these clowns they even tried to use their attorney to intimidate me it didn't work very well he got a little taste of Joseph Lowry.  
 Like Reply

**Joseph Lowry**  
**Municipal Restrictions on Posting Signs**  
 Although Texas state does not impose many rules on the placement of political signs, the state laws allow cities and counties to impose additional restrictions. That means that anyone posting a campaign poster or political sign will want to check with local authorities to learn about their laws.

While state law allows cities and counties to impose some restrictions on political signs, it also sets limits on what kind of restrictions are possible and when they can apply to political signs. Section 259.003 of the Texas Election Code limits the regulation of political signs by cities. If someone wishes to place a sign on private property with the consent of the property owner, a municipality cannot:

- Prohibit the sign from being placed.
- Require a permit or approval of the municipality or impose a fee for the sign to be placed.
- Restrict the size of the sign.
- Provide for a charge for the removal of a political sign that is greater than the charge for removal of other signs regulated by ordinance.

**Rules for Billboards**  
 This restriction on municipal authority does not apply to a billboard bearing a sign with a political message on a temporary basis if the billboard is generally available for commercial advertising or other messages that are not primarily political. Nor does it apply to signs that are more than 8 feet high, with an area greater than 36 feet and that are illuminated or have any moving elements.

**Homeowner Restrictive Covenants**  
 If you live in a development governed by a property owners' association (HOA), Texas law allows such groups to adopt certain restrictions regarding political signs. However, like with municipalities, the state Election Code restricts the types of permissible rules an HOA can enact.

Texas Election Code Section 259.002 is entitled "Regulation of Display of Political Signs by Property Owner's Association." It limits the length of time that a property owners' association can prohibit a property owner from displaying on their own property a political sign about a candidate or a measure up for a vote. These signs cannot be forbidden from 60 days before election day to 10 days after the election. The association can forbid political signs at other times.

Like Reply

**Joseph Lowry**  
 What about when your board members illegally remove them? Thug boy Lotfist! Y'all are a joke!  
 Like Reply

**Joseph Lowry**  
 It's also illegal for a city worker to go on private property and steal signs. You guys are going to put yourself into another lawsuit bunch of morons.  
 Like Reply

Write a comment...

EXHIBIT A





City of La Marque

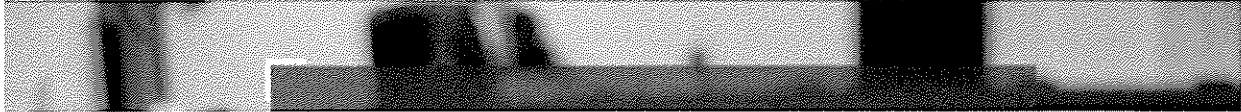
April 19 · 🌐

...

## Pre-Budget Workshop

The City will be hosting workshop meetings for residents in April to join and discuss the items wanted for the 2023 Budget. Please make an effort to come to join this meeting to make your voice heard as it pertains to your city.

This meeting will be held on Tuesday, April 21st at 6PM inside the City of La Marque Council Chambers (1109-B Bayou Rd), next to City Hall.... See more



3

4 Comments



Like



Comment



Share

Most relevant ▼



Write a comment...



Rosie Long-Herr

Will it be on You Tube channel?

Like Reply 8w Edited



Ray Medina

Lower our taxes!

Like Reply 8w



Eva Livy

Can we have an agenda prior... ty

Like Reply 8w



Joseph Lowry

La Marque needs a forensic audit. Not a audit paid for by the city that's used the same company for 12 years either. They just make sure the numbers are in the right places. We need a forensic audit to account for all the fraud that's going on

Like Reply 8w

Write a comment...

EXHIBIT A





City of La Marque

April 4 · 🌐

Public Relations | April 2022

As a continued effort to keep our citizens informed The City of La Marque presents our 1st Informational Release from Public Relations. We hope this is informative and provides our citizens with timely information in a manner that can be easily received.

👁️ Keep your eyes open for more to come!



👍❤️ 33

7 Comments 8 Shares

👍 Like

💬 Comment

➦ Share

All comments ▼



Write a comment...



Jackie Johnson Pennington

...



💎 Top fan

Jacqueline Perrin

If we want this great team better vote against the tax rollback and keep Kieth Bell

Like Reply 10w



Enrique Andino

Congrats great job

Like Reply 10w



💎 Top fan

Tonia Rene Griffin



Like Reply 10w



Theresa Garcia

Great job

Like Reply 10w



Joseph Lowry

A bird sanctuary but you can't have chickens without paying a tax LOL

Like Reply 10w

Write a comment...

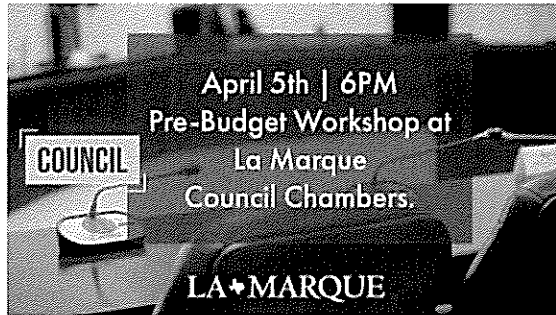


EXHIBIT A

#### Pre-Budget Workshop

The City will be hosting workshop meetings for residents in April to join and discuss the items wanted for 2023 Budget. Please make an effort to come join this 1st meeting to make your voice heard as it pertains to your city.

This meeting will be held on Tuesday, April 5th at 6PM inside City of La Marque Council Chambers (1109 B Bayou Rd) next to City Hall. [See more](#)



👍👍👍 12

28 Comments 11 Shares

👍 Like

💬 Comment

🔗 Share

All comments ▾



Write a comment...

👍👍👍



**Carolyn Small**  
Hopefully most La Marque residents will want to talk about the roads. [See more](#)

👍 Like Reply 10m

↩ 4 Replies



**Carolyn Small**  
Looking forward to it!

👍 Like Reply 10m



**Eva Ivy**  
So is the pre Budget meeting same as the Tax Forum meeting then?

👍 Like Reply 10m 1 reply



**Eva Ivy**  
Question? Do Grants have a time frame in which they must be used? It's saddening to know we have grants from 2017 which have still not been utilized.

👍 Like Reply 10m



**Robert Michetich**  
Waste of time

👍 Like Reply 10m

↩ 6 Replies



**Joseph Lowry**  
Corrupt mayor Bell will be there however this is from the city manager. He wants to know what the citizens want. Here is our opportunity

👍 Like Reply 10m



**Ronnieandvickie Reed**  
Joseph Lowry it says nowhere it is from the city manager? this is not abnormal. people want things that we simply can't afford. street lights, more police, roads repaired, new police station, changes have to be made at the wastewater treatment plant to... [See more](#)

👍 Like Reply 10m



**Tracy Baumgartner Turner**  
Joseph Lowry Joyce - here's a little something for you - since you are always calling Bell and Aragon corrupt, with zero proof. I think this is your little right-wing friend, Tink. <https://www.msn.com/en-us/news/us/missouri-city-top-executive-placed-on-administrative-leave-pending-investigation> [See more](#)



MSN.COM  
Missouri City's top executive placed on paid administrative leave pending investigation

👍 Like Reply 10m 1 shared



**Joseph Lowry**  
Tracy Baumgartner Turner that's because they are corrupt. Who cares what he's doing in another city a year or so later??? Obsessed much with him like Bell wants people to be? Is Bell corrupt because of Tink? Is Aragon corrupt because of Tink? It's optics to take the eyes off of the real criminals!! BELL AND ARAGON ARE THUGS AND CRIMINALS!!!

👍 Like Reply 10m



**Tracy Baumgartner Turner**  
Joseph Lowry Aragon worked as Police chief back when I worked for the City. I never heard anything bad about him, especially him being corrupt. Those are harsh words with no proof. If Bell and Aragon are "corrupt", wouldn't they be found out by now? Wouldn't they placed on administrative leave? I would think so.

👍 Like Reply 10m



**Joseph Lowry**  
Tracy Baumgartner Turner what a corrupt person that's being corrupt with another person on administrative leave? What sense does that make it's a team effort. They brought him back intentionally because they knew he was corrupt and would do exactly as he was told by King Bell. Yeah dude's been corrupt everywhere he has been. Scandal after scandal after scandal have you not done your research? I'd do it for you again for the 300 time for people but they seem to look past the facts that he has had scandals everywhere he goes the guy should be in prison

👍 Like Reply 10m



**Joseph Lowry**  
Tracy Baumgartner Turner and as far as corrupt Bell he should be in prison for trying to get people to set up straw accounts so he can award them money from the city he's a dirtbag he's a scummy creepy slimy no good corrupt politician

👍 Like Reply 10m



Reply to Joseph Lowry

👍👍👍



**Joseph Lowry**  
**Robert Michetich**

👍 Like Reply 10m

Write a comment...

EXHIBIT A



City of La Marque

March 30 · 🌐

🌐 WEDNESDAY WORD | MARCH 30 🌐

In an effort to keep our residents updated on city news, Mayor Keith Bell shares his recent address with our city.

#IloveLaMarque #WednesdayWeeklyWord

#ForwardTogether #CommunityinUnity



👍👍 14

5 Comments 2 Shares

👍 Like

💬 Comment

➦ Share

All comments ▼



Write a comment...



👑 Top fan

Jacqueline Perrin

Thank you for keeping us updated and informed

Like Reply 11w



Carolyn Small

Can't wait to see what they do over there!

Like Reply 11w



Joseph Lowry

Taxpayer funded lobbying!!!!

Like Reply 11w



Joseph Lowry

Stop fighting us with our tax Dollars.

Like Reply 11w



Joseph Lowry

It's theft

Like Reply 11w

Write a comment...

EXHIBIT A





City of La Marque

March 23 · 🌐

...



Abundant Life Christian Center

March 23 · 🌐

Abundant Life celebrated 37 years of ministry this month, and @cityoflamarque recognized the accomplishments of 37 years of ministry by declaring March 6 "Abunda... See more

👍❤️👍 23

4 Comments

👍 Like

💬 Comment

➦ Share

All comments ▼



Write a comment...

😊👍👍



Joseph Lowry

Keith Bell and Kimberly Yancy's harassment of our children are why we removed them from public schools and put them in abundant Life! This picture frightens me.

Like Reply 12w

👍 5



Roger Mccauley

Joseph Lowry don't you have to agree to give all your assets to that church, when you die or something? 😊😊

Like Reply 12w



Joseph Lowry

Roger Mccauley I've never heard that and I really like the church. And school. This is frightening as a parent. I believe this picture is too intimidate stalk and harass my family. They're trying to portray something.

Like Reply 12w



Reply to Joseph Lowry...

😊👍👍



Joseph Lowry

These two in this picture voted for us to have the highest taxes in the entire county! That is a fact. They also voted to put laptops on a 10-year payment plan! That's like putting your cell phone on your mortgage LOL these people are not fit to govern

Like Reply 12w

Write a comment...

EXHIBIT A